

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GARY L. SMITH,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,

Defendant.

2:07-cv-01164-LRH-GWF

ORDER

The Court has considered the Findings and Recommendations of United States Magistrate Judge George Foley, Jr. (#4) entered on March 14, 2008, in which the Magistrate Judge recommends that the Plaintiff's Complaint should be dismissed without prejudice based on Plaintiff's failure to either pay the appropriate filing fee of \$350.00, or submit a completed application and affidavit in support of a request to proceed *in forma pauperis*. The Court has considered the pleadings and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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1 ADOPTS AND ACCEPTS the Findings and Recommendations of the United States
2 Magistrate Judge (#4); therefore, Plaintiff's Complaint (#1) shall be dismissed without prejudice. The
3 Clerk of the court is directed to close the file.

4 IT IS SO ORDERED.

5 DATED this 3rd day of April, 2008.

A handwritten signature in blue ink, appearing to read "L. Hicks", is positioned above the printed name of the judge.

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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE